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In re Application of
CAULKETT, Peter William Rodney et al.
Application No.: 09/674,559
PCT No.: PCT/GB99/01308
Int. Filing Date: 27 April 1999
Priority Date: 02 May 1998
Attorney Docket No.: PM 271055
For: HETEROCYCLIC DERIVATIVES
WHICH INHIBIT FACTOR XA

DECISION ON

PETITION

UNDER 37 CFR 1.181

This decision is in response to the Petition Under 37 CFR 1.181 filed by facsimile on 17 July 2002.

BACKGROUND

On 27 April 1999, applicants filed international application PCT/GB99/01308. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 11 November 1999. On 09 November 1999, a demand for international preliminary examination was filed prior to nineteen months from the priority date. As such, the deadline for entry into the national stage in the United States is thirty months from the priority date, or 02 November 2000.

On 02 November 2000, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 06 December 2000, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b), the surcharge for late filing of the oath or declaration and additional claim fees were required.

On 04 January 2001, applicants filed "Completion of Filing National Phase of PCT Application," accompanied by, *inter alia*, a combined declaration and power of attorney.

On 21 June 2001, the Office mailed Notification of Abandonment (Form PCT/DO/EO/909) indicating the application went abandoned for failure to respond to the Notification of Missing Requirements.

On 30 August 2001, applicants requested a filing receipt.

On 10 April 2002, applicants filed a Status Request indicating they had filed a petition accompanied by copies of the response to the Notification of Missing Requirements, but had not received a decision.

DISCUSSION

The petition under 37 CFR 1.181 is moot. The missing papers filed on 04 January 2001 have been matched with the file. As the combined declaration and power of attorney was filed with the Office on 04 January 2001, the Notification of Abandonment mailed 21 June 2001 should not have issued.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **DISMISSED AS MOOT**.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 21 June 2001 is **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a Notification of Acceptance (Form PCT/DO/EO/903) and filing receipt. The 35 U.S.C. §371(c) date is 04 January 2001.



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